

**CITY OF TEMPE  
pH POLICY  
FOR ISSUING A NOTICE OF VIOLATION**

The pH shall be considered a normal discharge if the pH is between 5 Standard Units (S.U.) and 10.5 S.U.

In accordance with local limits, at no time shall the pH being discharged from a facility be greater than 10.5 or less than 5 S.U.

At the discretion of the City, an Informal Notice of Violation can be issued if:

- The violation is between 10.5 S.U. and 12.5 S.U. and/or
- The violation is below 5 S.U. and above 2 S.U.
- The length of violation(s) for the 24-hour period is less than 1% of time (15 minutes).

The inspector will take into consideration the following:

- The volume of discharge. Flows of less than 5 gpm which have pH values between 2.0 S.U. and 12.5 S.U. will not qualify for a written NOV – to be addressed through informal notice.
- The past history of the facility, including the response and notice given by the facility. The past history should include other effluent violations.
- The safety of workers downstream, including treatment plant workers.
- Possibility of treatment plant upset (i.e., Kyrene Reclamation Plant) including the odor scrubber.

A GRAB sample shall be sufficient to proceed with a written and/or verbal Notice of Violation (NOV) (EPA interpretation).

A written NOV will be issued for a pH value of less than 2 S.U. and/or greater than 12.5 S.U. at any rate of discharge.

**INCREASED ENFORCEMENT FOR CONTINUOUS pH VIOLATIONS**

Upon the issuance of six consecutive written NOVs, for each preceding month in which there is a written NOV issued, an Administrative Order (AO) with fine will be prepared and issued to the industrial user (IU) as prescribed in the Penalty Policy of City of Tempe Ordinance 90.13. The IU will be issued an AO with fine each month until the IU has six consecutive months of pH compliance.

Upon the issuance of the seventh AO with fine, as prescribed in paragraph B of the Penalty Policy of City of Tempe Ordinance 90.13, the calculated fine will be increased by \$2500.00 for each day of noncompliance due to the violation of a permit condition.

**FEDERAL AND LOCAL GUIDELINES**

Chapter 27, Article I, Division 2, Section 27-10(b)(2); Chapter 27, Article I, Division 6, Section 27-61(b);  
40 CFR 401.17; 40 CFR 403.5; 40 CFR 261.22,  
EPA Letter to New Jersey Department of Environmental Protection & Energy 5/13/1993

**INFORMAL NOTICE OF VIOLATION (formerly Verbal Notices)**

Informal Notices of Violation will be issued when there is less than 15 minutes of noncompliance over a 24-hour period for continuous dischargers who are required to monitor the pH of the effluent. These must be documented in the file and issued to the discharger by use of a document titled "Informal Notice of Violation." The notice must cover, at a minimum, the person issuing the NOV, the person who received the NOV, the date of the infraction(s), the time and the reason for giving an informal notice instead of a formal NOV.